IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 906 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? :

GENERAL SECRETARY

Versus

ADMINISTRATIVE OFFICER

Appearance:

1. Special Civil Application No. 906 of 1991

MR SV BACHANI for Petitioner No. 1

NOTICE SERVED for Respondent No. 1-2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 26/06/2002

ORAL JUDGEMENT

This is a petition of 1991. Today it is placed for 22nd time in the final hearing board at Sr. No.1. This matter was called out for hearing at 12.15 p.m. But, none present for the petitioner.

From the averments made in this petition and the prayer made in para 8(2) it appears that the petitioner has challenged the proposal at item No.5 that recommendation / registration of Surat Mahanagarpalika should not be cancelled and office bearers of said school should not be transferred from one school to another school.

By way of interim relief, it is prayed in para 8(3) that respondents be directed not to cancel recognition / registration for Surat Mahanagarpalika Prathmik Shikshak Parishad and office bearers should not be transferred from one school to another school till the final disposal of this writ petition.

From the order sheet of this petition it appears that earlier on 11.2.1991, learned Single Judge of this Court ordered to issue notice returnable on 18.2.1991 and Direct Service was permitted.

Thereafter, though served no one appeared for respondent, therefore, on 19.11.1991 learned Single Judge issued rule and issued notice as to interim relief making it returnable on 2.12.1999. Though served no one appeared for respondents, therefore, on 2.12.1991, learned Single Judge of this court granted ad-interim relief in terms of para 8(3) till further orders, which is continued till today.

Accordingly, this petition is pending before this court since last 11 years, after its admission with interim relief. It appears that the respondents are not at all interested to defend the matter. If the interim relief granted in terms of para 8(3) does not affect the respondents, then the same has to be made absolute by disposing of this petition as the learned Single Judge, after issuing notice and admitting regarding interim relief was convinced that the petitioner has very good case and, therefore, granted interim relief in terms of para 8(3).

In view of the above, without entering into merits or demerits of the case, proposal made in Annexure-A at Item No.5 for cancellation / registration of Surat Mahanagarpalika Prathmik Shikshak Parishad and transferring the office bearers of the school from one school to another has to be quashed and set aside.

Accordingly, this petition is allowed and impugned proposal at Item No.5 at Annexure-A dated

24.1.1991 is hereby quashed and set aside. Rule made absolute with no order as to costs.

(B.J.Shethna, J.)

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